

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff

v.

Criminal Action No. 1:24-CR-42

STEVEN DAVID SEEGER,

Defendant.

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
MOTION TO SUPPRESS AND MOTION TO CONTINUE PRETRIAL
TO LATER DATE BEFORE CURRENT TRIAL DATE**

Comes now the United States by Acting United States Attorney Randolph Bernard for the Northern District of West Virginia by Kimberley D. Crockett, Assistant United States Attorney, moving for extension of time to file response to motion to suppress and motion to continue pre-trial to later date before current trial scheduled for April 22, 2025.

The Government is seeking an extension of time to file its response to the motion to suppress first, so that it may provide the defense and this Court with the search warrant obtained from the Circuit Court by Trp. Nicholson on March 29, 2021. In the regular course of discovery, the defense would have requested the absent record from the United States or filed a motion to compel it if the government failed to provide it upon request. In the instant case, government's counsel was advised no pre-trial motions were being filed, so this late filing requires additional time and effort to obtain the record that is the subject of the motion to suppress.¹ Specifically, the

¹ The criminal complaint references a search warrant, and Defendant was served on body camera with documents at the time of search on March 29, 2021, although all pages are not observed clearly.

Defendant filed an expungement proceeding in state court, which was granted; therefore, the state court proceeding, and all related documents, have been destroyed by the Preston County Prosecuting Attorney's Office and the West Virginia State Police pursuant to state law. Based thereon, the Government is seeking a state court order pursuant to West Virginia Code, Section 61-11-26(m) to grant it inspection and access to the records held by the Circuit Clerk related to the search of Defendant's property. The government needs time to litigate the request of records in state court, which could have been done in January and/or February 2025 without impacting the pre-trial and trial dates had Defendants requested the record or filed a timely motion to suppress. Now, Defendant is seeking to suppress evidence based upon the absence of a record he had expunged.

Second, the Government has other deadlines in this matter, such as the exhibit list deadline set for this Wednesday, March 26, 2025, and it also needs time to prepare for pre-trial. Additional time would allow for the Government to meet its exhibit deadline, file a proper response to the motion to suppress, and prepare for pre-trial and trial. The United States proposes a new pre-trial date at the Court's discretion but would seek a date the week of April 7, 2025.

WHEREFORE, for the reasons set forth above, the United States respectfully requests that the Court move the response deadline for the motion to suppress to April 4, 2025, and briefly continue the pre-trial filings and pre-trial date to allow the Government additional time to prepare for pre-trial and trial.

Respectfully submitted,

RANDOLPH BERNARD
ACTING UNITED STATES ATTORNEY

By: /s/ Kimberley D. Crockett
Kimberley D. Crockett (WVSB 9335)
Assistant United States Attorney

CERTIFICATION OF SERVICE

I hereby certify that on March 25, 2025, I electronically filed the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION TO SUPPRESS AND MOTION TO CONTINUE PRETRIAL TO LATER DATE BEFORE CURRENT TRIAL DATE, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Tom Dyer and Martin Sheehan, counsel for defendant.

Respectfully submitted,

RANDOLPH BERNARD
ACTING UNITED STATES ATTORNEY

By: /s/ Kimberley D. Crockett
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